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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,869	07/10/2000	Giancarlo Granata	FMCV0113PUS/199-1623	9855

22045 7590 07/25/2003

BROOKS & KUSHMAN  
1000 TOWN CENTER 22ND FL  
SOUTHFIELD, MI 48075

EXAMINER
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VO, HAI

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/25/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

AS13

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/612,869		GRANATA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Hai Vo		1771	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 14-20, 22-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 14-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Groendal et al (US 5,935,364). Groendal discloses an upholstered article comprising a rigid substrate 26, a cushion layer 27, a topping layer 20 and an upholstered fabric covering 16 (figure 4, column 4, lines 37-65). Groendal discloses the cushion layer being made of a foamed polyurethane bun or a cut foam; and the topping layer a low density polyurethane foam (column 4, lines 40-45, 64-65). The cushion layer and the topping layer of Groendal are respectively analogous to the impregnable layer and non-impregnable layer of the claimed invention. Groendal teaches a process of preparation of the upholstered article having a rigid substrate, a foam cushion layer, a topping layer disposed between the foam layer and an outer upholstery fabric layer (column 3, lines 35-40). Groendal teaches all the components thereof are held together in the mold. The moment just right before the upholstered article is formed, a foam cushion layer and a topping layer together are considered as a preformed composite in the mold. Therefore, Groendal reads on “a preformed composite pad”. Since claim 14 as the whole recites the final structure of an automobile interior molded panel which includes the combination of a rigid substrate, a composite pad and a cover

skin, the final structure of Groendal panel is certainly not physically different from that of the claimed invention. Therefore, it is the examiner's position that Groendal anticipates the claimed subject matter.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 22-35 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while it is enabling for a composite wherein the impregnable layer is a porous, and reticulated material and non-impregnable layer is an elastomeric, foam-like material, it does not reasonably provide enablement for the claimed material wherein the nature of the impregnable and non-impregnable layers are not specified. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

***Allowable Subject Matter***

5. Claim 21 is allowed. None of the prior art discloses or suggests an automobile interior molded panel comprising:

A rigid substrate;

A composite pad comprising a non-impregnable layer made of non-reticulated elastomeric foam material and an impregnable layer made of reticulated material;

A cover skin disposed over and bonded to the substrate and the pad; wherein at least portions of the rigid substrate is present throughout the impregnable layer; and wherein at least a portion of the rigid substrate is adjacent to the sides of the impregnable layer.

***Response to Arguments***

6. Applicants' amendment filed on 07/02/2003 have been entered and fully considered.
7. The 103 art rejections over Groendal in view of Fisher with respect to claims 22-28 have been overcome by the present response. There is no suggestion or teaching in Groendal/Fisher that the pores of the foam layer would be substantially inherently impregnated with portions of the rigid substrate (see the full second paragraph of page 6 in Applicants' amendment, Paper no. 12)
8. The 102 art rejections over Groendal et al (US 5,935,364) have been maintained for the following reasons. In the first place, Groendal teaches a process of preparation of the upholstered article having a rigid substrate, a foam cushion layer, a topping layer disposed between the foam layer and an outer upholstery fabric layer (column 3, lines 35-40). Groendal teaches all the components thereof are held together in the mold. The moment just right before the upholstered article is formed, a foam cushion layer and a topping layer together are considered as a preformed composite in the mold. It is all what claim 14 requires. Therefore, Groendal reads on "a preformed composite pad". Secondly, since claim 14 as the whole recites the final structure of an automobile interior molded

panel which includes the combination of a rigid substrate, a composite pad and a cover skin, the final structure of Groendal panel is certainly not physically different from that of the claimed invention. Therefore, it is the examiner's position that Groendal anticipates the claimed subject matter.

9. Applicant's arguments with respect to claims 22-29 have been considered but are moot in view of the new ground(s) of rejection.
10. The examiner wishes to thank Mr. Rodack and Brobine for forwarding some the Federal Circuit case law which would assist her in the examination of the application.

#### ***WITHDRAWAL OF FINALITY***

11. The indicated allowability of claims 29-35 is withdrawn in view of the newly discovered 35 U.S.C. 112, first paragraph rejections as failing to comply with the enablement requirement.

#### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426. The examiner can normally be reached on Tue-Fri, 8:30-6:00 and on alternating Mondays.

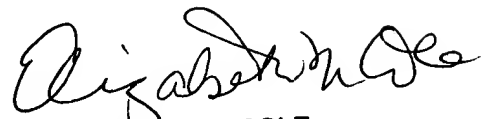
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is

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assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

HV  
July 23, 2003

  
ELIZABETH M. COLE  
PRIMARY EXAMINER